

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:23-cv-00641-JRG-RSP

JURY TRIAL DEMANDED

**DECLARATION OF THAD KODISH IN SUPPORT OF
SAMSUNG'S MOTION FOR SANCTIONS UNDER FED. R. CIV. P. 37(E)(1)**

I, Thad Kodish, hereby declare:

1. I am a Principal with the law firm Fish & Richardson P.C., and counsel for Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. I have personal knowledge of the facts contained in the declaration and, if called upon to do so, I could and would testify competently to the matters herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the Deposition of Dr. Gregory Raleigh, taken March 7, 2024.

3. Attached hereto as Exhibit 2 is a true and correct copy of Dkt. 134 in *HWI* (422) Case, Declaration of Dr. Gregory Raleigh, dated March 14, 2024.

4. Attached hereto as Exhibit 3 is a true and correct copy of Headwater's Response to Interrogatory No. 13 in *HWI* (422) Case, dated July 5, 2023.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the Deposition of Dan Durig, taken March 6, 2024.

6. Attached hereto as Exhibit 5 is a true and correct copy of an internal Sprint Email re ItsOn Issues, bearing bates number HW-SAM_TMO_00001625, dated October 16, 2016.

7. Attached hereto as Exhibit 6 is a true and correct copy of Headwater's RFA Response No. 14 in *HWI* (422) Case, dated March 11, 2024.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the Deposition of Dr. Gregory Raleigh, taken November 15, 2023.

9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the Deposition of James Harris, taken November 27, 2023.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the Deposition of Dr. Gregory Raleigh, taken March 8, 2024.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the Deposition of Bernie Murphy, taken August 13, 2024.

12. Attached hereto as Exhibit 11 is a true and correct copy of an email between James Harris, Esq. of Headwater and ItsOn ABC assignee, bearing bates numbers HW_00066361-2, dated July 2018.

13. Attached hereto as Exhibit 12 is a true and correct copy of an email between James Harris, Esq. of Headwater and ItsOn ABC assignee, bearing bates numbers HW_00066383-4, dated July-August 2018.

14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the Deposition of David Johnson, taken February 21, 2024.

15. Attached hereto as Exhibit 14 is a true and correct copy of General Assignment by ItsOn, Inc. to ItsOn ABC, LLC, bearing bates numbers ITSONINC_000001-7, dated January 9, 2018.

16. Attached hereto as Exhibit 15 is a true and correct copy of Headwater Termination of License Agreement with ItsOn, bearing bates numbers HW_00009333-4, dated January 22, 2018.

17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the Deposition of James Lavine, taken January 31, 2024.

18. Attached hereto as Exhibit 17 is a true and correct copy of Exhibit 5 from the Deposition of Bernie Murphy, taken August 13, 2018.

19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the Deposition of Jeffrey Green, taken February 24, 2024.

20. Attached hereto as Exhibit 19 is a true and correct copy of Dkt. 189-11 in *HWI* (422) Case, Declaration of James Lavine, dated April 22, 2024.

21. Attached hereto as Exhibit 20 is a true and correct copy of Exhibit 16 from the Deposition of Bernie Murphy, taken August 13, 2018.

22. Attached hereto as Exhibit 21 is a true and correct copy of Exhibit 20 from the Deposition of Bernie Murphy, taken August 13, 2018.

23. Attached hereto as Exhibit 22 is a true and correct copy of Chart of Asserted Patents.

24. Attached hereto as Exhibit 23 is a true and correct copy of Headwater's Response to Interrogatory No. 4 and 13, dated October 16, 2024.

25. Attached hereto as Exhibit 24 is a true and correct copy of Defendants' Notices of Supplemental Subpoenas to ItsOn ABC, LLC, Bernie Murphy and Sherwood Partners, Inc., from *HW2* (103) Case, dated July 20, 2024.

26. Attached hereto as Exhibit 25 is a true and correct copy of Exhibits 7-8 from the Deposition of Bernie Murphy, taken August 13, 2018.

27. Attached hereto as Exhibit 26 is a true and correct copy of the Declaration of HaystackID technician, dated October 25, 2024.

28. Attached hereto as Exhibit 27 is a true and correct copy of the Excerpts from *HWI* (422) Case, Trial Transcript, dated January 13, 2025.

29. Attached hereto as Exhibit 28 is a true and correct copy of a list of excluded evidence and arguments.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of January, 2025, in Atlanta, Georgia.

/s/ Thad C. Kodish

Thad C. Kodish